

**EXHIBIT Q**

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TEXAS  
TYLER DIVISION

ADVANCEME, INC.

Plaintiff,

v. Case 6:06-cv-00082-LED-JDL Document 174 Filed 08/15/2007 Page 2 of 2

AMERIMERCHANT LLC,  
FIRST FUNDS LLC

Defendant.

**DECLARATION OF DOUGLAS R. McSWANE, JR. IN SUPPORT OF FIRST FUNDS,  
LLC'S RESPONSE TO PLAINTIFF'S MOTION FOR SANCTIONS**

I, Douglas R. McSwane, Jr., declare and state as follows:

1. I am over the age of eighteen years, of sound mind and am competent to make this declaration. I am an attorney with the law firm of Potter Minton, P.C. representing First Funds, LLC in this case. The facts stated herein are of my personal knowledge, and I know them to be true and correct.

2. Despite the fact that the letter attached as Exhibit K to Plaintiff's Motion for Sanctions (Docket Entry No. 172) is addressed to me, I have not received the letter to date.

I declare under penalty of perjury that the foregoing is true and correct. This declaration is executed on August 15, 2007 in Tyler, Texas.

/s/ Douglas R. McSwane  
\_\_\_\_\_  
Douglas R. McSwane, Jr.